

Attorney Docket No.: J6893(C)
Serial No.: 10/814,880
Filed: March 31, 2004
Confirmation No.: 8453

DECLARATION
Under 37 CFR § 1.132

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

I, Anat Shiloach, hereby declare that:

I am an inventor of the above-identified patent application and am familiar with the case.

I received my Ph.D. degree from the Massachusetts Institute of Technology in Chemical Engineering in the year 1998.

I received my M.S. degree from the Massachusetts Institute of Technology in Chemical Engineering Practice in the year 1994.

I joined my present employer Unilever in 1998, and I currently have the title Senior Project Scientist, in the Research & Development Department located in Trumbull, CT.

I am familiar with the Office Action dated January 4, 2006 in the above captioned case where claims 1-29 were rejected under 35 U.S.C. 102(b) as being unpatentable over Hitchen, (EP 463,780) and were rejected under 35 U.S.C. 102(e) as being unpatentable over Shana'a et al., (US 6,737,394).

Two representative formulas of Hitchen were prepared and tested for particle deposition according to the claims in the instant case. The formulation in Example 3 was made following the procedure described in the patent. Emulsion TORAY BY-22022 was not available, so Dow Corning Emulsion 2-1664 was used *instead*. Both are nonionic emulsions containing 50% by weight silicone oil (60,000 cs)

Deposition from Example 3 was tested according to the Hand Wash Method described in US 2005/0227880 (line 0329). No deposition was observed according to this method.

The formulation in Example 8 was prepared according to the following procedure:

- Add water
- Add Carbopol 940
- Mix until well dispersed
- Add ALS/ALES; start heating
- Add betaine
- Add BHT; mix until melted
- Add Jaguar/Propylene Glycol premix
- Add preservative and fragrance
- Add silicone emulsion and Timiron.

The silicone emulsion of example 1 was not available, so Dow Corning Emulsion 2-1870 was used *instead*. Both are anionic emulsions containing 60,000 cs silicone oil.

Deposition from Example 8 was tested according to the Hand Wash Method described in US 2005/0227880 (line 0329). No deposition was observed according to this method.

I declare that all statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and may jeopardize the validity of the application or any patent issuing thereon.

Dated: May 3, 2006

By: 

Title: Sr Project Scientist